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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,906	10/04/2000	Scott Patrick Hanson	ROC920000236	7240

7590

05/12/2003

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EXAMINER

STEELMAN, MARY J

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Office Action Summary

Application No.

09/678,906

Applicant(s)

HANSON ET AL.

Examiner

Mary J. Steelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/30/00, 12/18/00, 01/11/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-26 are pending.

Information Disclosure Statement

2. The information disclosure statement, submitted on 12/18/2000, is being considered by the examiner.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 13 and 13 have been renumbered 26 ("...wherein the linker is not configured...") and 13 ("generating a template information file list..."). For examination purposes, Examiner has placed claim 14 as dependent upon claim 13 ("generating a template information file list..."). Claim 15 is dependent upon claim 14.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,836,014 to Faïman, Jr.

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Per claim 1:

-a processor; memory in communication with the processor; and a first operating system configured for use with the processor and the memory; (Faiman: Col. 5, line 24 & line 31.)
-at least one computer program configured for use with the processor and the memory, the at least one computer program comprising a template instantiation portion configured to provide template source code and a cross compiler portion configured to generate template object code from the template source code, the template object code configured for use on a second operating system different from the first operating system. (Faiman: Col. 5, lines 24-25 & line 42.)

Per claim 2: (Faiman: Col. 4, lines 40-54 and Abstract, lines 1-3.)

Per claim 3: (Faiman: Col. 5, line 27.)

Per claim 4: (Faiman: Col. 5, line 40.)

Per claim 5:

-providing source code; extracting template information from the source code; providing the template information to a template repository; (Faiman: See fig. 1, #21, source code, #55, intermediate language graph, col. 28, lines 14-16, compact intermediate language graph extracts template information from source code at the compiler front end.)
-generating template source code in response to information from the template information; (Faiman: See examples of template code at col. 77-128.)
-using the cross compiler to generate first template object code corresponding to the template source code; wherein the first template object code is operable on a target computer system having a linker. (Faiman: fig. 1, #23, #25 and col. 6, lines 28-30, col. 24, lines 62-64, col. 25, lines 13-15, and col. 6, lines 33-36.)

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Per claims 6, 7, 8, 11 and 22: (Faiman: Col. 14, lines 50-51, col. 13, lines 33-35, col. 16, lines 35-37.)

Per claims 9 and 25: (Faiman: Col. 6, lines 33-36.)

Per claim 10:

- providing a template repository in communication with the cross compiler; (Faiman: Col. 69+, Appendix, "The following actions control the execution flow of the actions interpreter.")

- providing source code modules; (Faiman: Fig. 1, #21.)

- generating at least one template information file from the source code modules using the cross compiler; (Faiman: Appendix, col. 69, and fig. 1.)

- providing the at least one template information file to the template repository; generating template source code in response to the at least one template information file; (Faiman: Col. 16, lines 35-37.)

- generating object code using the cross compiler and the at least one template source code file; (Faiman: Fig. 1, #23.)

- wherein the object code is intended for linking on a target computer system having an operating system different in kind than that of the origination computer system. (Faiman: fig. 1, #25 and col. 6, lines 33-36.)

Per claim 12: (Faiman: col. 6, lines 33-36.)

Per claims 13, 14, & 15: (Faiman: Col. 16, lines 35-37.)

Per claim 16:

- a first computer programmed with a first operating system, the first computer comprising source code modules; a cross compiler configured to generate object code modules and template

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information files from the source code modules; a template repository configured to receive the template information files; (Faiman: Fig. 1.)

-a program configured to generate a list of the template information files, template source code files and a list of template source code files, the program configured to locate the list of the template information files, the template source code files and the list of template source code files in the temporary repository, the program configured to employ the cross compiler to generate template object code files from the template source code files. (See limitations addressed in claim 1 above and fig. 1)

Per claim 17: (Faiman: Fig. 1, #13, #25.)

Per claims 18, 19, & 20: (Faiman: Fig. 1.)

Per claim 21:

-generating template source code in response to the template information; (Faiman: Col. 69, see Appendix.)

-invoking a cross compiler to generate first template object code corresponding to the template source code; (Faiman: Abstract, lines 1-3.)

...first template object code is linkable on a target computer system having a linker without template instantiation support. (Faiman: Col. 6, lines 33-36.)

Per claims 23 and 24: (Faiman: Abstract, lines 14-24, col. 22, lines 7-28.)

Per claim 26 (formerly claim 13 “linker is not configured...”: (Faiman: Col. 6, lines 33-36.)

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MS

05/02/2003


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